

EXHIBIT 1

SASW

Clark County Superior Court

Nathen Barton,

) Case 21 2 00746 06

Plaintiff,

vs.

PLAINTIFF'S
ORIGINAL COMPLAINT
AND DEMAND FOR JURY TRIAL

LeadPoint Inc, Reliance First Capital LLC,

LoanDepot.com LLC, Global Equity Finance Inc.,

Nationwide Mutual Insurance Company

Defendants

FILED

APR 21 2021 120

Scott G. Weber, Clerk, Clark Co

JURISDICTION

Plaintiff Nathen Barton is a natural person and resident of Clark County, Washington. He has been registered on the National Do Not Call Registry more than 31 days prior to March 2, 2021. All the acts alleged in this complaint occurred in Clark County, Washington State, during the year 2021.

On or about 9:46AM, March 2, 2021, Plaintiff received a text message solicitation seemingly from 98673. The text said:

Hi Wendy,

New mortgage program in

Lawrenceville!

See your savings now.

<http://370.bz/3/OAQJ-1HGPGR>

TxtSTOPtoEnd

Plaintiff clicked the link and was taken to webpage *homeequityquiz.com*, a website that solicits mortgage services. Plaintiff looked over the website and could not ascertain the entity behind the solicitation.

Plaintiff did not give anyone permission to solicit him for mortgage services. The entity behind the solicitation did not have permission to solicit him by phone.

There was a series of questions on the website, so Plaintiff thought that if he answered the questions, perhaps the entity behind the solicitation would be revealed.

Plaintiff then did answer the questions, but specifically used information completely different from the text solicitation.

1 Even after answering the questions on the website, Plaintiff did not see who the entity behind the
2 solicitation was.

3 However, Plaintiff's phone started ringing with further solicitations. Plaintiff received the following
4 further solicitations.

5 **Reliance First Capital**

6 Plaintiff received the following solicitation calls from Reliance First Capital LLC ("Reliance"):

- 7 1. A solicitation call from (877) 271 3082 received on March 2, at or about 12:50PM
- 8 2. A solicitation call from (516) 566 4014 received on March 3, at or about 12:21PM
- 9 3. A solicitation call from (516) 566 4014 received on March 8, at or about 12:36PM
- 10 4. A solicitation call from (564) 397-2424 received on March 8, at or about 3:59PM
- 11 5. A solicitation call from (564) 397-2424 received on March 8, at or about 4:00PM
- 12 6. A solicitation call from (516) 566 4014 received on March 9, at or about 12:13PM
- 13 7. A solicitation call from (877) 271 3082 received on March 29, at or about 8:40AM
- 14 8. A solicitation call from (877) 271 3082 received on April 14, at or about 1:10PM

15 **Loan Depot**

16 Plaintiff received the following solicitation calls from LoanDepot.com LLC ("LoanDepot"):

- 17 1. A solicitation call from (855) 807 9606 received on March 2, at or about 10:43AM
- 18 2. A solicitation call from (855) 807 9606 received on March 2, at or about 10:58AM
- 19 3. A solicitation call from (855) 807 9606 received on March 2, at or about 11:15AM
- 20 4. A solicitation call from (855) 807 9606 received on March 2, at or about 11:48AM
- 21 5. A solicitation text from (949) 595 7108 received on March 2, at or about 12:13PM
- 22 6. A solicitation call from (877) 533 6619 received on March 4, at or about 2:44PM
- 23 7. A solicitation call from (877) 533 6619 received on March 4, at or about 2:45PM
- 24 8. A solicitation call from (877) 533 6619 received on March 5, at or about 8:51AM

25 **Global Equity Finance**

26 Plaintiff received the following solicitation calls from Global Equity Finance Inc ("Global"):

- 27 1. A solicitation call from (619) 373 1239 received on March 2, at or about 10:42AM
- 28 2. A solicitation call from (619) 373 1239 received on March 2, at or about 10:44AM

Nationwide Mutual Insurance Company

Plaintiff received the following solicitation calls from Nationwide Mutual Insurance Company ("Nationwide"):

1. A solicitation call from (929) 327 0799 received on March 3, at or about 6:08AM
2. A solicitation call from (631) 364 2175 received on March 3, at or about 7:39AM

Secure Rights

Plaintiff received the following solicitation calls from Secure Rights (a *doing business as name* for LeadPoint):

1. A solicitation call from (929) 307 0799 received on March 2, at or about 2:12PM

Quicken Loans

Plaintiff received the following solicitations from Quicken Loans:

1. A solicitation call from (888) 241 6243 received on March 2, at or about 3:45PM

Home Advisor

Plaintiff received the following solicitation calls from Home Advisor:

1. A solicitation call from (718) 575 4901 received on March 15, at or about 1:17PM

Cinch

Plaintiff received the following solicitation calls from Cinch:

1. A solicitation call from (718) 808 9677 received on March 2, at or about 11:02PM

LeadPoint

Plaintiff eventually determined that the initial text solicitation was sent on behalf of LeadPoint. Plaintiff received further text message solicitations on their behalf:

1. A solicitation text from 98673 received on March 17, 7:46AM
2. A solicitation text from 98673 received on March 24, 8:11AM
3. A solicitation text from 98673 received on April 1, 7:56AM

Each text message was identical and led to the same *homeequityquiz.com* URL. Plaintiff investigated the URL <http://370.bz/3/0AQJ-1HGPGR> in the text solicitations and determined that URL to be redirected to a lengthy URL on a *b.link* domain, probably for customer engagement and tracking purposes.

The lengthy *b.link* URL was then redirected to a lengthy URL on a *c.data3300.com* domain, which is LeadPoint branded URL. The lengthy URL on the *c.data3300.com* domain is then finally forwarded to a URL on the *homeequityquiz.com* ("HEQ") website.

Eventually, Plaintiff noticed very small, white text on a gray background on the HEQ website that admits "HomeEquityQuiz is owned by LeadPoint Inc."

By March 7, Plaintiff was quite fed up with the situation and on that day sent LeadPoint the following message:

"Hello, you have obtained my number (718) 710 5784. I do not wish to receive any sales or marketing calls or text messages or voicemails from you or your clients or your customers or your affiliates or your partners. Please place my number (718) 710 5784 on your do-not-call list.
Thank you,
Nathen"

Relief

Plaintiff contends that each Defendant is jointly and severally liable for all solicitation calls and texts sent to Plaintiff. Each Defendant sent a solicitation call or text to Plaintiff, or solicitation calls and texts were made on their behalf.

Defendants violated Washington State and Federal law by using an automated telephone dialing and announcing device to engage in telephone solicitation of Plaintiff. Defendants violated Washington State law by placing a solicitation call to him before 8AM.

Plaintiff prays for all possible damages, in law and in equity, statutory, real, and punitive, that he might entitled too. These damages include but are not limited to court costs and attorney fees.

Plaintiff asks for treble damages under federal law and the Washington State Unfair Business Practices Act.


I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Vancouver, WA on 4/21/2021.

1.

2

3



Nathen Barton

4 Signature

5

6

7 Nathen Barton

8 (718) 710-5784

9 4618 NW 11th Cir

10 Vancouver WA 98607